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FROM U/S KENNEDY

E.O. 12958: N/A

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SUBJECT: Implementing Benefits for Same-Sex Domestic  
Partners of Foreign Service Employees Serving Abroad

Ref: State 063819

¶1. Last Thursday, the Secretary announced that the Department is extending the full range of legally available benefits to same-sex domestic partners of members of the Foreign Service sent to serve abroad. I am pleased to advise that the implementing changes to the Foreign Affairs Manual (FAM) will be effective for the Department of State on June 26, 2009. If other agencies decide to implement these changes as well, they may choose the same date or any subsequent date.

¶2. The interim changes to the FAM are available on line at [http://hrweb.hr.state.gov/prd/hrweb/dg/pc/sam\\_e\\_sex\\_domestic\\_partners.cfm](http://hrweb.hr.state.gov/prd/hrweb/dg/pc/sam_e_sex_domestic_partners.cfm). We expect them to be published in final within 30 days, following interagency review. We encourage you to review them to gain a fuller understanding of the benefits extended in reftel.

¶3. To obtain benefits for their same-sex domestic partners, employees must: (1) file an affidavit of eligibility for benefits and obligations (also available at [http://hrweb.hr.state.gov/prd/hrweb/dg/pc/sam\\_e\\_sex\\_domestic\\_partners.cfm](http://hrweb.hr.state.gov/prd/hrweb/dg/pc/sam_e_sex_domestic_partners.cfm)) and, (2) update their OF-126 (Residency and Dependency Report, see para 6). Please read and consider the affidavit carefully before signing.

¶4. Domestic partners must also comply with the same security requirements and undergo the same background review as spouses. Domestic partners must also have a valid medical clearance for the post of assignment. Those already at post should follow the procedures for a newly acquired dependent - they will be given access to the overseas health unit for up to 90 days pending completion of their medical clearance. It is important to note that domestic partners must have health insurance as the Department acts only as a secondary payer in event of overseas hospitalization.

¶5. As per the FAM regulations, the affidavit must affirm, among other things, that the employee and his/her domestic partner:

- (a) are each other's sole domestic partner and intend to remain committed to one another indefinitely;
- (b) have a common residence, and intend to continue the arrangement;
- (c) are at least 18 years of age and mentally competent to consent to contract;
- (d) share responsibility for a significant measure of each other's common welfare and financial obligations;
- (e) are not married to, joined in civil union with, or domestic partners with anyone else; and
- (f) are same-sex domestic partners, and not related in a way that would prohibit legal marriage in the State in which we reside.

¶6. For State employees, both documents should be directed to your Assignment Technician in HR/EX. The

OF-126 must be filed electronically. An updated version is available to each employee through his/her GEMS account on HR Online. The signed affidavit can be e-mailed to your assignment technician at "HR-EX-ASU" on the Global Address List or faxed to 202-663-0449. You may file these forms immediately.

¶7. Employees of other foreign affairs agencies should consult their Human Resources Office for filing instructions. We offer that the OF-0126, available on the Department of State's intranet, might be amended with a pen-and-ink change to add "domestic partner" in the box requesting "relationship".

¶8. Additional instructions and guidance will be issued in the coming days on specific benefits. In addition, while we are willing to offer diplomatic and official passports to eligible US citizen domestic partners, diplomatic visas and work eligibility for them depends upon host governments. In this regard, bilateral work agreements may have to be renegotiated.

¶9. As we proceed to implement this important initiative, we welcome any suggestions you may have for improvement.

¶10. Minimize considered.

CLINTON